

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

TRACI A. ABERNATHY,	:	CIVIL ACTION NO.
	:	
Plaintiff,	:	_____
	:	
vs.	:	
	:	
TRIHEALTH G, LLC, et al.,	:	NOTICE OF REMOVAL
	:	
Defendants.	:	
	:	

Come now Defendants, TriHealth G, LLC and TriHealth, Inc. (collectively “Defendants”), by and through counsel, and hereby file this Notice of Removal to the United States District Court for the Southern District of Ohio, stating as follows:

1. On or about September 26, 2022, Plaintiff Traci Abernathy (“Plaintiff” or “Abernathy”) filed suit against Defendants TriHealth G, LLC and TriHealth, Inc., in the Hamilton County, Ohio, Court of Common Pleas, Civil Action No. A2203479 (the “State Court Action”).

2. Service of Process was obtained on Defendants through certified mail. According to the Hamilton County Clerk of Courts, the Summons and a copy of the Complaint were mailed to the Defendants and received on September 30, 2022. A copy of the Summons and Complaint are attached hereto as collective Exhibit 1.

3. In the Complaint filed in the State Court Action, Plaintiff has asserted claims for alleged violations of the Americans with Disabilities Act, 42 U.S.C. §12101, *et seq.* (“ADA”) as well as retaliation, and the key events pled in her Complaint relate to Plaintiff’s alleged disability and association under the ADA. (*See*, Complaint ¶¶ 26, 36, 41, and 47).

4. This action involves a controversy over which the United States District Court has original jurisdiction pursuant to 28 U.S.C. §1331, in that the controversy involves a federal question under 29 U.S.C. §2601, *et seq.* Therefore, this case is one which may be properly removed to this Court pursuant to 28 U.S.C. §1441(a).

5. This Court may exercise supplemental jurisdiction over the remainder of Plaintiff's claims because they are so related to the claim under the ADA that they form part of the same case or controversy. 28 U.S.C. §1367.

6. This Notice of Removal is filed within thirty (30) days of the service of the Complaint upon Defendants pursuant to 28 U.S.C. §1446(b).

7. A true and correct copy of this Notice of Removal with accompanying exhibits and a Notice of Filing of Notice of Removal will be served upon Plaintiff's counsel and the Clerk of the Hamilton County, Ohio Court of Common Pleas, Hamilton, Ohio, in accordance with the provisions of 28 U.S.C. §1446(d).

8. The only process, pleadings, or orders that have been filed in the Hamilton County Court of Common Pleas are Plaintiff's Complaint and Summonses, copies of which are attached hereto as Exhibit 1, and the Answer filed by Defendants (attached hereto as Exhibit 2).

9. This Notice of Removal has been signed by undersigned counsel for and on behalf of Defendants pursuant to 28 U.S.C. § 1446(a) and in accordance with Rule 11 of the Federal Rules of Civil Procedure.

10. In filing the Notice of Removal, Defendants reserve the right to assert any counterclaims or affirmative defenses as may be appropriate and do not waive any such defense such as failure to name necessary party, failure to exhaust administrative remedies, violation of the limitations period, or insufficient service of process.

WHEREFORE, Defendants TriHealth G, LLC and TriHealth, Inc. pray that they may effect the removal of this action from Hamilton County, Ohio, Court of Common Pleas, to the United States District Court for the Southern District of Ohio, Western Division.

Respectfully submitted,

RENDIGS, FRY, KIELY & DENNIS, LLP

/s/ Megan Mersch

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Trial Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of October, 2022, the foregoing was filed electronically and served upon the following:

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/s/ Megan Mersch

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